

1. (Twice Amended) A medical device, comprising:

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a body portion having a first end portion and a second end portion and being defined by a structure including a plurality of pairs of converging struts;

a first cuff, the first cuff being attached to the first end portion;

a second cuff, the second cuff being attached to the second end portion;

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at least one shoe device, the shoe being configured at one pair of converging struts to maintain the struts in a spaced relationship; and

wherein the first and second cuffs and the shoe device provide the medical device with atraumatic surfaces and a streamlined profile.

19. (Twice Amended) A medical device, comprising:

a body portion having a first end portion and a second end portion and being defined by a structure including a plurality of pairs of converging struts;

a first cuff, the first cuff being attached to the first end portion;

a second cuff, the second cuff being attached to the second end portion; and

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at least one shoe device, the shoe device being configured at one pair of converging struts to maintain in a spaced relationship;

wherein the first and second cuffs provide the medical device with atraumatic surfaces and a streamlined profile.

20. (Twice Amended) A medical device, comprising:

a body portion having a first end portion and a second end portion and being defined by a structure including a plurality of pairs of converging struts; and

at least one shoe device, the shoe device being configured at one pair of converging struts to maintain the struts in a spaced relationship;

wherein the shoe device provides the medical device with atraumatic surfaces and structural integrity.

REMARKS

By this paper, independent claims 1, 19 and 20 have been amended. Claims 1-23 remain pending.

In the final Office action dated December 18, 2002, claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner indicated that the recitation of "a spacing structure" renders the claims vague and indefinite. In response thereto, independent claims 1, 19 and 20 have been amended to delete the recitation of "a spacing structure." As such, it is believed that each of pending claims 1-23 now satisfy the requirements of § 112.

In the final Office action, claims 1-13 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schull et al. (U.S. 6,143,022) in view of Amstrup (U.S. 5,476,508). Additionally, claim 14 was rejected under § 103(a) as being unpatentable over Schull et al. in view of Amstrup and further in view of Schmitt et al. (U.S. 5,503,636) and claims 15-17 were rejected under § 103 as being unpatentable over Schull et al. in view of Amstrup and further in view of Schmitt and Duffy et al. (U.S. 6,086,611). It is respectfully submitted, however, that at least claims 21-23 recite subject matter which is patentable over the cited art. Significantly, none of the cited art, either alone or in combination, teach a medical device including at least one shoe device, the shoe device permitting converging struts to slide with respect to each other. In